

REMARKS

Claims 2-5, 7-9, 12-15 and 17-19 are pending. By this Amendment, claims 2, 3, 5, 7-8, 12-13, 15, and 17 are amended, claim 20 is added, and claims 9, 18 and 19 are cancelled.

Drawing Amendments

The attached proposed drawing amendments are believed to overcome the drawing objections by the examiner.

Claim Amendments

The independent apparatus claims have been amended to include an element intrinsic to the overall nature of the invention, the drainage reservoir. Additionally the loops forming the attachment points on the front straps have been added. Claim 20 has been added to include additional limitations by way of depending claims.

Claim Rejections -- 35 USC § 102

Claims 2, 8-9, and 12 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Crane.

Applicant has amended claims 2 and 8 to include the element of one or more mountable post-surgical drainage reservoirs connectable to the patient for receiving drainage fluid. This drainage reservoir inclusion is supported by disclosure throughout the specification, for example page 3, line 19 – page 2, line 3. With this additional inclusion, Applicant respectfully suggests that the Crane reference no longer reads upon claims 2 or 8.

Claim 9 has been canceled without prejudice.

Finally, Applicant has amended claim 12 to reference post-surgical drainage reservoirs connectable to the patient and attachment points at loops formed by overlapping material. It is a well-settled proposition of patent law that statements in the preamble may not be disregarded in determining patentability. *In re Duva*, 156 USPQ 90. Applicant respectfully submits that the method in amended claim 12 of supporting one or more mountable *post-surgical*

drainage reservoirs connectable to the patient is not inherent within the use of the strap assembly of the Crane reference.

As such, Applicant respectfully requests that the rejection to claims 2, 8-9, and 12 under 35 USC § 102 be withdrawn.

Claim Rejections -- 35 USC § 103

Claims 2, 3, 5, 7-9, 12-13, 15, and 17-18 stand rejected under 35 USC § 103(a) as being unpatentable over McCook in view of Knerr.

Applicant has amended claims 2, 5, 7, and 8 to include the element of one or more post-surgical drainage reservoirs connectable to the patient as well as the loops for attaching the horizontal front straps. It is not believed that the cited art references disclose such loops for horizontal front straps for attaching drainage reservoirs.

Applicant has also amended claims 12-13, 15, and 17 to reference post-surgical drainage reservoirs. As previously discussed, Applicant respectfully submits that the method in amended claims 12-13, 15, and 17-18 of supporting one or more mountable *post-surgical drainage reservoirs connectable to the patient* is not inherent within the use of either the modified strap assembly of McCook or the strap assembly of Crane. Nor do Crane or McCook disclose the front straps overlapping on themselves to form loops for attachment of the horizontal front members.

As such, Applicant respectfully requests that the rejection to claims 2, 3, 5, 7-9, 12-13, 15, and 17 under 35 USC § 103 be withdrawn.

Conclusion

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

Application No. 09/828,619

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Douglas J. Christensen', written in a cursive style.

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Reply to Office Action of July 8, 2003
Annotated Sheet Showing Changes

Fig. 4

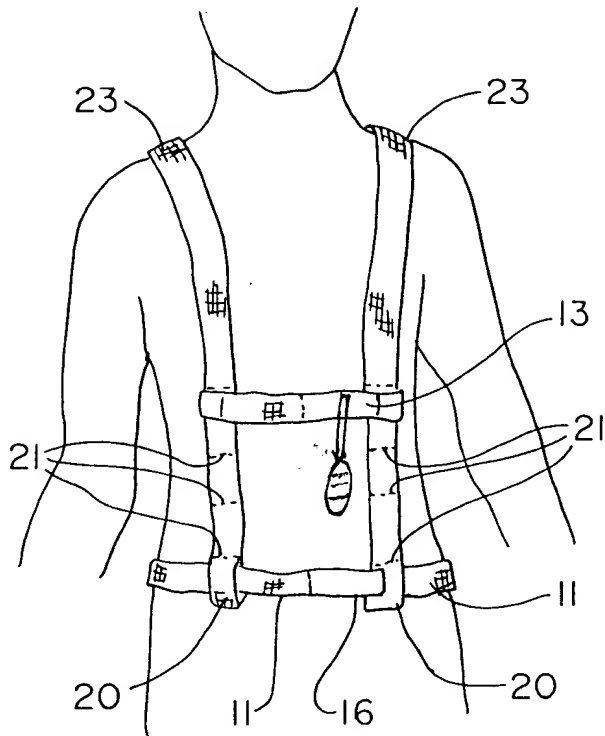


Fig. 5

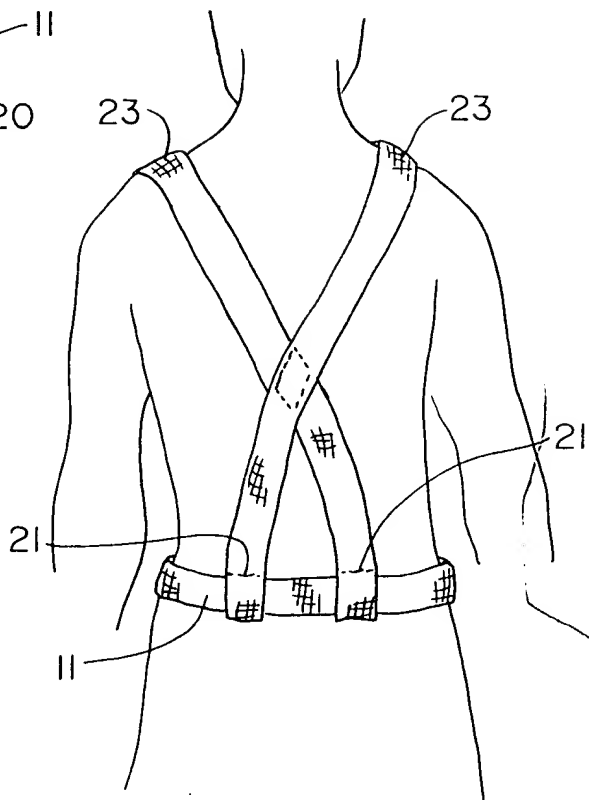
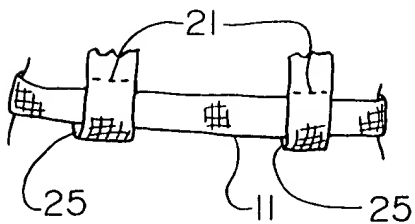


Fig. 5A





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Fig. 9

